

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:22-cv-203-JRG-RSP
)	
MICRON TECHNOLOGY, INC.; MICRON)	JURY TRIAL DEMANDED
SEMICONDUCTOR PRODUCTS, INC.;)	
MICRON TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	
)	

**DEFENDANTS’ NOTICE OF DISCLOSURE OF PRIOR ART PURSUANT
TO 35 U.S.C. § 282**

Pursuant to 35 U.S.C. § 282(c), Defendants (“Micron”) hereby provide notice that they may rely on at trial the following prior art references and/or persons with knowledge regarding prior art for U.S. Patent Nos. 11,232,054, 11,016,918, 8,787,060, and 9,318,160 (“the Asserted Patents”).¹ Micron may also rely on the file histories for the Asserted Patents, including all references cited therein, and related patents and their file histories, including any *inter partes* review challenges. Micron also incorporates by reference all information set forth in Micron’s expert reports served on plaintiff (“Netlist”) in this matter and Invalidity Contentions, including all materials cited therein and exhibits, expert witness testimony, discovery responses, exhibit and witness lists, and the Joint Pretrial Order. Unless expressly indicated otherwise, all pages of the

¹ The PTAB previously found all asserted claims in U.S. Patent Nos. 11,232,054 and 11,016,918 invalid. *See* IPR2022-00996, IPR2023-00406, IPR2022-00999, and IPR2023-00405. Netlist’s continued and unreasonable assertion of these invalid patent claims renders this an exceptional case under at least *Octane Fitness, LLC v. ICON Health Fitness, Inc.*, 134 S. Ct. 1749, 1756 (2014). Micron will properly seek reimbursement of its attorneys’ fees under 35 U.S.C. § 285, or any other applicable rule, at an appropriate time.

publications listed below are relevant prior art to the Asserted Patents. Micron reserve the right to supplement this notice as appropriate, including the right to rely on additional prior art at trial for the purposes of showing the state of the art, providing technical background, and to respond to any positions taken by Netlist that were not disclosed during fact and expert discovery.

I. Patents, Publications, Documents, and Products

Patent No. Publication No. Reference Name	First Named Inventor/Author	Country	Date of Issue/Publication/Public Use
Hybrid Memory Cube (Gen. 2)	Micron	United States	2009-August 2010
U.S. Patent No. 9,123,552	Keeth	United States	September 1, 2015
U.S. Patent Publ. No. 2011/0103156	Kim	United States	May 5, 2011
U.S. Patent No. 8,041,991	Rajan	United States	October 18, 2011
U.S. Patent No. 9,259,619	Foster	United States	November 12, 2009
U.S. Patent No. 7,969,192	Wyman	United States	June 20, 2011
U.S. Patent Publication No. 2006/0174140	Harris	United States	August 3, 2006

Patent No. Publication No. Reference Name	First Named Inventor/Author	Country	Date of Issue/Publication/Public Use
U.S. Patent No. 7,724,604	Amidi	United States	October 25, 2006 (Filed)
U.S. Patent Publication No. 2006/0080515	Spiers	United States	April 13, 2006
JEDEC Standard JESD205	JEDEC	United States	March 2007
JEDEC Standard JESD82-20	JEDEC	United States	March 2007
JEDEC Standard JESD79-2A	JEDEC	United States	January 2004
JEDEC Standard JESD79	JEDEC	United States	June 2000
U.S. Patent No. 11,016,918	Chen	United States	May 25, 2021
U.S. Patent No. 11,232,054	Chen	United States	January 25, 2022
U.S. Patent No. 8,787,060	Lee	United States	July 22, 2014
U.S. Patent No. 9,318,160	Lee	United States	April 19, 2016

II. Persons with Knowledge

In addition to the persons previously disclosed in, among other things, Micron's initial disclosures, discovery responses, pleadings (including documents submitted therewith), and expert reports, Micron also discloses the names of the following persons who may be relied on as having knowledge of prior art to or the state of the art relating to the Asserted Patents:

Witnesses Having Knowledge of Prior Art or the State of the Art Relating to the Asserted Patents	Contact Information
Gary Woods, Ph.D.	Through counsel for Micron only
Harold Stone, Ph.D.	Through counsel for Micron only
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Dr. Andrew Groehn	Through counsel for Plaintiffs only
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Dr. William Henry Mangione-Smith	Through counsel for Plaintiffs only
Tony Baca	Through counsel for HP, Inc. only
Katherein Hoang	Through counsel for Monolithic Power Systems, Inc. only
Bruce Lo	Through counsel for Renesas Electronics Corp. only
Terry Lo	Through counsel for Richtek USA Inc. only
Angelo Pereira	Through counsel for Texas Instruments only

Dated: December 22, 2023

Respectfully submitted,

/s/ Michael R. Rueckheim

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2023, the foregoing document was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record, including counsel for Plaintiff, Netlist, Inc.

/s/ Michael R. Rueckheim
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